

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:14 CV 664
)	
MEYER MANAGEMENT, INC.,)	Judge Timothy S. Black
)	
Defendant.)	
)	

SECOND CONSENT DECREE MODIFICATION

The United States of America, on behalf of the United States Environmental Protection Agency (“EPA”) and the Department of Housing and Urban Development (“HUD”), acting through the undersigned counsel, states as follows:

WHEREAS, on August 19, 2014, the United States filed this action against Meyer Management, Inc. for violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992, [42 U.S.C. §§ 4851-4856](#), and the Toxic Substances Control Act, [15 U.S.C. §§ 2601-2692](#) (“TSCA”). On the same day, the United States lodged a proposed Consent Decree to resolve the claims asserted in the complaint. On October 6, 2014, after a period of public notice and comment during which no comments were received, this Court entered the Consent Decree.

WHEREAS, on November 5, 2020, this Court granted Defendant an additional six months to complete all lead-based paint abatement work required under Section VII of the Consent Decree. At that time, there were only 12 properties that remained to have abatement work completed of the 136 properties listed in Appendix 1 to the Consent Decree (“Subject Properties”). [Dkt. # 7](#). That extension of time is due to expire on June 30, 2021.

WHEREAS, there remains a single Subject Property in which the work has not been completed (the “Remaining Subject Property”). The tenant of the Remaining Subject Property is unwilling to allow workers into the property and will not move out, even temporarily, to allow for the abatement work to be completed.

WHEREAS, Plaintiff and Defendant (the “Parties”) have agreed to allow completion of the required lead-based paint abatement work required by Section VII of the Consent Decree: (a) prior to any new tenant occupying the Remaining Subject Property, and no later than one month after the current tenant vacates the Remaining Subject Property, or (b) if the tenant continues to reside in the Remaining Subject Property, as soon as possible, but no later than one month after a child under the age of six or a pregnant individual moves in or visits regularly.

WHEREAS, any modification to the terms of the Consent Decree must be made in writing and approved by the Parties and the Court, pursuant to Paragraph 45.

WHEREAS, the Parties recognize, and the Court by entering this Consent Decree Modification finds that it has been negotiated at arms-length and in good faith and that this Consent Decree Modification is fair, reasonable, and in the public interest.

NOW, THEREFORE, it is hereby Ordered, Adjudged, and Decreed:

1. Except as specifically provided in this Consent Decree Modification, all provisions of the original Consent Decree shall remain in full force and effect. No provision of the original Consent Decree is modified, superseded, or altered in any way except as specifically provided in this Consent Decree Modification.

2. Paragraph 16.E.(i) is modified to allow for Defendant to complete all work to be performed in accordance with Section VII on the Remaining Subject Property no later than the earlier of either: (a) prior to any new tenant occupying the Remaining Subject Property and no later than one month after the current tenant vacates the Remaining Subject Property or (b) if the tenant continues to reside in the Remaining Subject Property, as soon as possible, but no later than one month after a child under the age of six or a pregnant individual moves in or visits regularly.

3. Paragraph 18.A is added within Section VIII (Reporting Requirements) as follows:

A. Defendant shall submit to EPA and HUD a written report three (3), six (6), and nine (9) months after submission of each Annual Report that shall include, at a minimum: (a) whether the current tenant is still occupying the Remaining Subject Property; and (b) Defendant's efforts to determine if anyone under six years of age or pregnant is living in or regularly visiting the Remaining Subject Property.

4. The undersigned representative of Meyer Management and of the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree Modification and to execute and legally bind such Party to this document.

5. This Consent Decree Modification may be executed in counterparts.

SO ORDERED.

Dated and entered this 30 day of June, 2021



TIMOTHY S. BLACK
UNITED STATES DISTRICT JUDGE

THE UNDERSIGNED PARTY enters into this Consent Decree Modification in the matter of United States v. Meyer Management, Inc., Civil Action No. 14-664 (S.D. Ohio).

FOR THE UNITED STATES OF AMERICA

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s/Michael J. Zoeller

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FOR THE UNITED STATES DEPARTMENT OF
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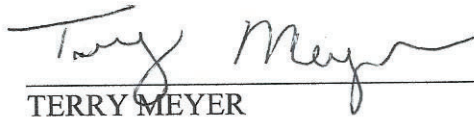
FOR THE UNITED STATES ENVIRONMENTAL
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s/Mary T. McAuliffe

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THE UNDERSIGNED PARTY enters into this Consent Decree Modification in the matter of United States v. Meyer Management, Inc., Civil Action No. 14-664 (S.D. Ohio).

FOR MEYER MANAGEMENT, INC.



6/22/21

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